

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

In re:
CIRCUIT CITY STORES, INC.,
et al.,

Chapter 11

Case No.: 08-35653-KRH

Debtors.

RESPONSE TO OBJECTION TO PROOF OF CLAIM NUMBER 5460

NOW COMES Walter E Hartman & Sally J Hartman, as Trustees of the Hartman 1995 Ohio Property ("Hartman") by counsel, and files its Response to the Debtor's Objection to Hartman's Proof of Claim number 5460 as stated in Omnibus Objection 42 and states as follows:


- 1) Hartman is landlord of certain property located at the Royal Point Shopping Center, Hamilton Counts, City of Cincinnati Ohio.
- 2) Hartman filed Proof of Claim 5460 for the period of rent owed from November 1 through November 10, 2008, plus real estate taxes owed for the 2008 pre-petition period.
- 3) Hartman filed Proof of Claim 11159 for the damages due to the rejection of the Lease, and do not include any amounts owed pursuant to claim 5460.

Steven L. Brown, Esquire (VSB #23740)
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(757) 497-6633
Counsel For Hartman

- 4) The two above Proof of Claims do not include the same claims for money owed to Hartman.
- 5) Lease will be provided upon request.
- 6) Notice Address:

c/o Steven L. Brown, Esquire
Wolcott Rivers Gates
Convergence Center IV
301 Bendix Road, Suite 500
Virginia Beach, VA 23452
Telephone no.: (757) 497-6633
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- 7) I hereby declare that I have personal knowledge of the relevant facts that support this Response.



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WHEREFORE Walter E. Hartman & Sally J. Hartman, as Trustees of the Hartman 1995 Ohio Property, Inc. respectfully requests that this Court enter an Order to overrule the Debtor's Objection to Proof of Claim number 5640 and for other relief as necessary.

Date: 10/15/09



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Counsel for Walter E Hartman & Sally J

Hartman, as Trustees of the Hartman 1995
Ohio Property, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing was deposited in the United States mail, first class, postage prepaid, on this 15th day of October, 2009 and addressed to:

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